



SUBJECT: C14-05-0106 – West Congress Neighborhood Plan Area Rezoning, Pleasant Hill Subdistrict, Tract 30 – Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, “Small Lot Amnesty” special use and “Impervious Cover and Parking Placement Restrictions” and “Prohibiting Parking in the Front Yard” zoning regulations are proposed. “Secondary Apartment” special use and “Garage Placement” and “Front Porch Setback” zoning regulations are also proposed for the Pleasant Hill subdistrict. The proposed zoning change will change the base district zoning and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts. On September 1, 2005, SF-3-NP district zoning was approved for Tract 30 on First reading. Vote: 6-1, Mayor Wynn – Nay. On October 6, 2005, LO-MU-CO-NP district zoning was approved for Tract 30 on Second reading. Vote: 6-1, Mayor Pro Tem Thomas – Nay. On December 15, 2005 this item was postponed to January 12, 2006 with direction from Council to provide an alternate ordinance changing the zoning from SF-3 and SF-6 to CS-MU-CO-NP and a restrictive covenant. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff Mark Walters, 974-7695. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 56
AGENDA DATE: Thu 03/02/2006
PAGE: 2 of 2

ZONING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0106

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are also proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is proposed for Tract 30. The proposed zoning change will also change the base district zoning on one tract of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts.

DEPARTMENT COMMENTS:

Tract 30

On December 15, 2005, Council postponed action until January 12, 2006 and Council directed Staff to bring back an alternate ordinance and executed Restrictive Covenant. Both follow the Summary Sheet.

On October 12, 2005, Staff met to discuss zoning and future land use map designations for Tract 30 with the property owner as well as property owners within the Pleasant Hill Subdistrict. No resolutions were reached and the property owners remain in amicable disagreement.

A valid petition of 29.64% for Tract 30 has been filed by the adjacent property owners in opposition to this rezoning request.

The current use, Construction Sales and Services, has been determined to be non-conforming ("grandfathered") by the Solid Waste Services Department zoning code enforcement division. However, the current storage of construction material out in the open at this site is a violation of City code. In order to come into compliance, these materials must be stored in a covered structure or be removed from the property. It is not known if the existing structures on the property can accomplish this requirement.

If the current zoning remains (SF-3/SF-6), Mr. Harper cannot increase the level of non-compliance by increasing the size of current structures or constructing any new ones. In order to build a structure on site to store construction materials, as Mr. Harper has expressed a desire to do, the zoning would have to be changed to Commercial Services (CS). Conditions could be placed on the zoning to limit the more intense land uses allowed in CS.

The property owner proposes CS-MU-CO-NP district zoning and the Conditional Overlay follows Exhibit B. The Neighborhood is agreeable to either no change to the existing SF-3/SF-6 zoning or the Planning Commission's recommendation of LO-MU-CO-NP, requiring a 30' wide vegetative buffer adjacent to single-family uses. However, the Neighborhood has communicated to Staff that if CS-MU-CO-NP district zoning is approved, then the following items are requested: construct an 8' tall fence and / or landscaping to along Red Bird Lane to screen the business from the neighborhood; install a 30 foot wide vegetative buffer along the west side of the property; prohibit trucks or forklifts from parking or unloading on Red Bird; make immediate improvements to the drainage characteristics of the property so that it does not impact the residences to the north, and restrict the property's ability to accommodate future businesses. The Neighborhood's correspondence and petitions follow the Applicant's proposed conditional overlay.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Mark Walters)

DATE OF FIRST READING: September 1, 2005, approved the rezoning of the Pleasant Hill Subdistrict as Planning Commission recommended with exception of Tract 18 and Tract 30, on First Reading (6-0, Alvarez – off the dais).

For Tract 30, SF-3-NP district zoning was approved on First Reading (6-1, Mayor Wynn – Nay).

DATE OF SECOND READING: October 6, 2005, approved the Pleasant Hill Subdistrict Rezoning of the West Congress Neighborhood Plan for Tracts 22, 23b, 25, 26, 27, 28, 31 and 32, as recommended by the Planning Commission, on Second and Third Readings (7-0). Note: Tracts 18, 23a (later determined to be an incorrect address and thus, no action was taken), 35 and 30 were taken up separately.

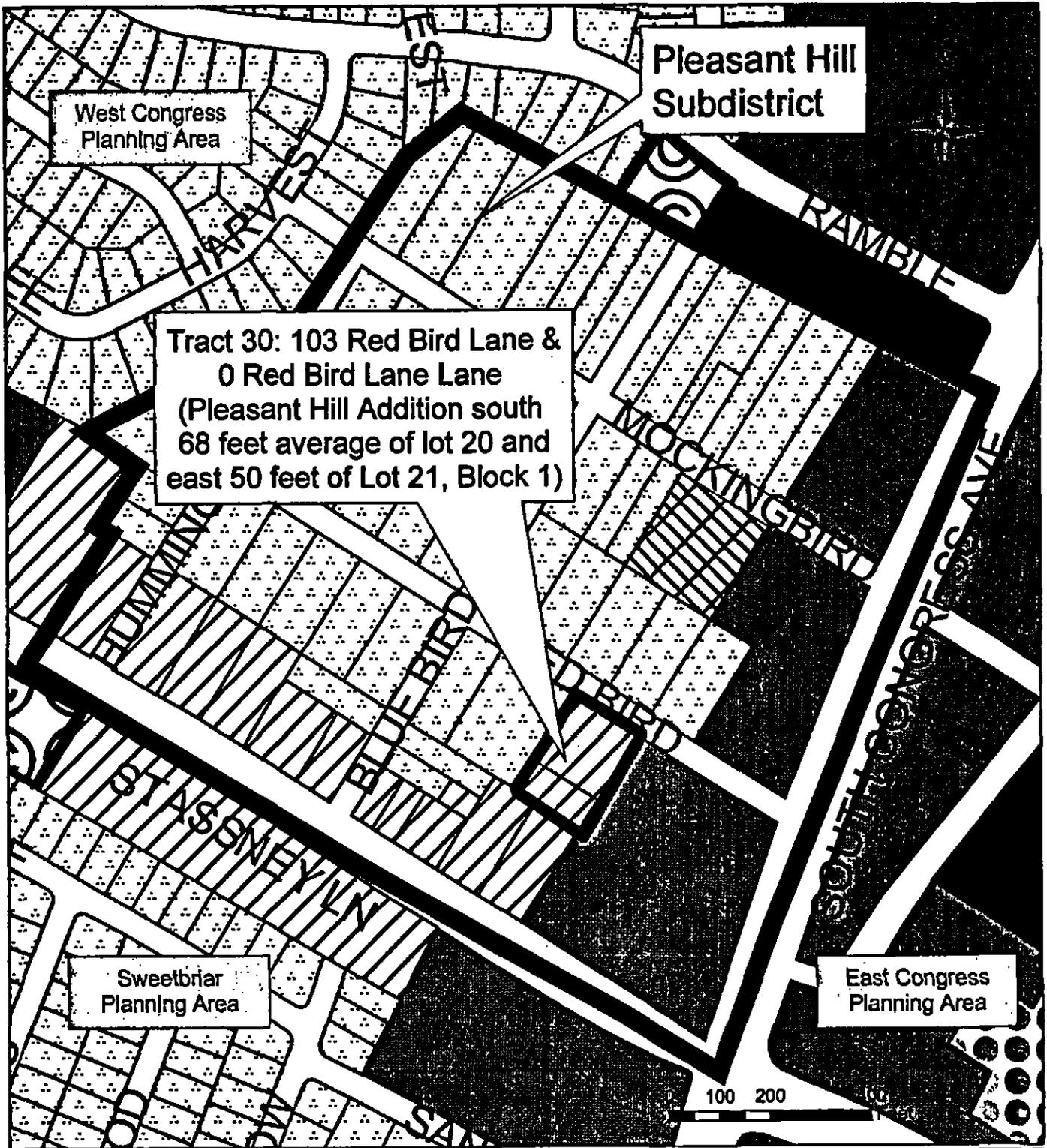
For Tract 30, LO-MU-CO-NP district zoning with a Conditional Overlay for a 30-foot wide vegetative buffer along the west side was approved on Second Reading (6-1, Mayor Pro Tem Thomas – Nay).

CITY COUNCIL DATE: March 2, 2006

ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



**Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Future Land Use Map
NP-05-0020 (PART)**



City of Austin
Neighborhood Planning and Zoning Department
November 3, 2005

Exhibit A

A comprehensive plan does not constitute zoning.

Future Land Uses

- | | |
|----------------------------|------------------|
| Single-family | Office |
| High Density Single-family | Mixed Use/Office |
| Multi-family | Industry |
| Commercial | CMC |
| Mixed Use | Open Space |
| Pleasant Hill Subdistrict | |

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20050818-Z003, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO TRACT 30 (103 AND 0 RED BIRD LN) LOCATED IN THE PLEASANT HILL SUBDISTRICT OF THE WEST CONGRESS NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICT ON THE TRACT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 20050818-Z003 is amended to include the property identified in this Part in the West Congress neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to the base zoning district and to change the base zoning districts from family residence (SF-3) district and townhouse and condominium residence (SF-6) district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district on property within the Pleasant Hill Subdistrict and described in File C14-05-0106 (PART), as follows:

Tract 30 103 Red Bird Ln; 0 Red Bird Ln (the south 68 ft. avg. of Lot 20 & the south 68 ft. avg. & the east 50 ft. of Lot 21 Blk. 1, Pleasant Hill Addn.),

(the "Property") as shown on the attached Exhibit "A",

generally known as the West Congress neighborhood plan combining district, locally known as the area bounded by Ben White Boulevard on the north, South Congress Avenue on the east, West Stassney Lane on the south, and South 1st Street on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

PART 2. The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.

1
2 2. The minimum lot width is 25 feet.

3
4 3. For a lot with an area of 4,000 square feet or less, the impervious coverage may
5 not exceed 65 percent.

6
7 **PART 3.** The following applies to a single-family residential use, a duplex residential
8 use, or a two-family residential use within the boundaries of the NP combining district:

9
10 1. Impervious cover and parking placement restrictions apply as set forth in
11 Section 25-2-1603 of the Code.

12
13 2. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of
14 the Code.

15
16 **PART 4.** The following applies to a single-family residential use, a duplex residential
17 use, or a two-family residential use within the boundaries of the Pleasant Hill Subdistrict:

18
19 1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.

20
21 2. Garage placement restrictions apply as set forth in Section 25-2-1604 of the
22 Code.

23
24 **PART 5.** Secondary apartment special use is permitted on lots in residential districts
25 within the boundaries of the Pleasant Hill Subdistrict as set forth in Sections 25-2-1462
26 through 25-2-1463 of the Code.

27
28 **PART 6.** Except as specifically provided in Part 7 and Part 8, the Property may be
29 developed and used in accordance with the regulations established for the respective base
30 districts and other applicable requirements of the City Code.

31
32 **PART 7.** The Property within the boundaries of the conditional overlay combining district
33 established by this ordinance is subject to the following conditions:

34
35 A 30-foot wide vegetative buffer shall be provided and maintained along the west
36 property line of Tract 30 that is adjacent to a property used or zoned family residence
37 district or more restrictive.

38
39 **PART 8.** The Property is subject to Ordinance No. 20050818-Z003 that established the
40 West Congress neighborhood plan combining district.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

PART 9. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

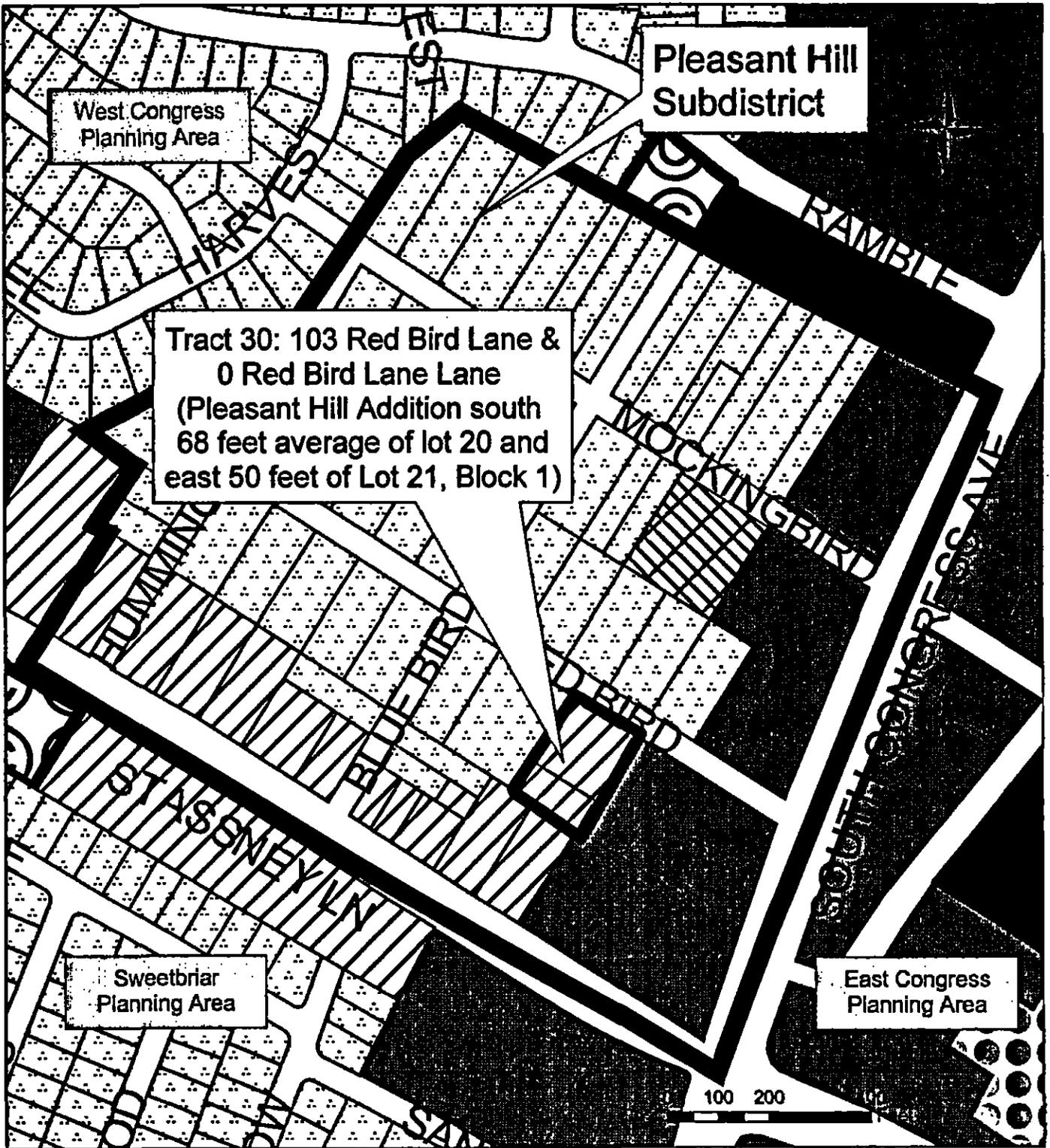
§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

DRAFT



Tract 30: 103 Red Bird Lane &
0 Red Bird Lane Lane
(Pleasant Hill Addition south
68 feet average of lot 20 and
east 50 feet of Lot 21, Block 1)

**Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Future Land Use Map
NP-05-0020 (PART)**



City of Austin
Neighborhood Planning and Zoning Department
November 3, 2008

Exhibit A

A comprehensive plan does not constitute zoning.

Future Land Uses

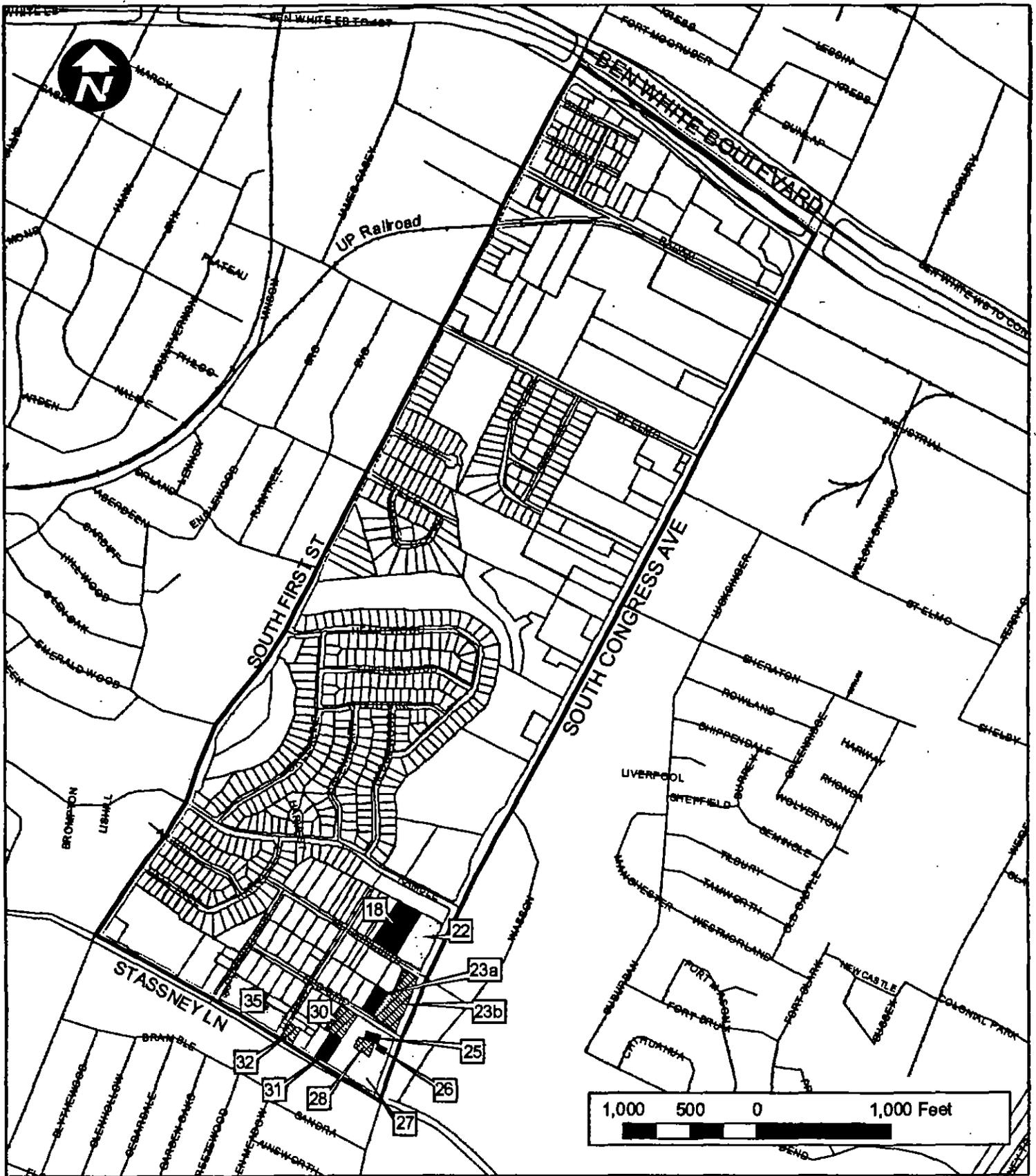
- | | |
|----------------------------|------------------|
| Single-family | Office |
| High Density Single-family | Mixed Use/Office |
| Multi-family | Industry |
| Commercial | Civic |
| Mixed Use | Open Space |

Pleasant Hill Subdistrict



**West Congress Neighborhood
Planning Area: Subdistricts**

**CASE #
C-14-05-0106
EXHIBIT A**



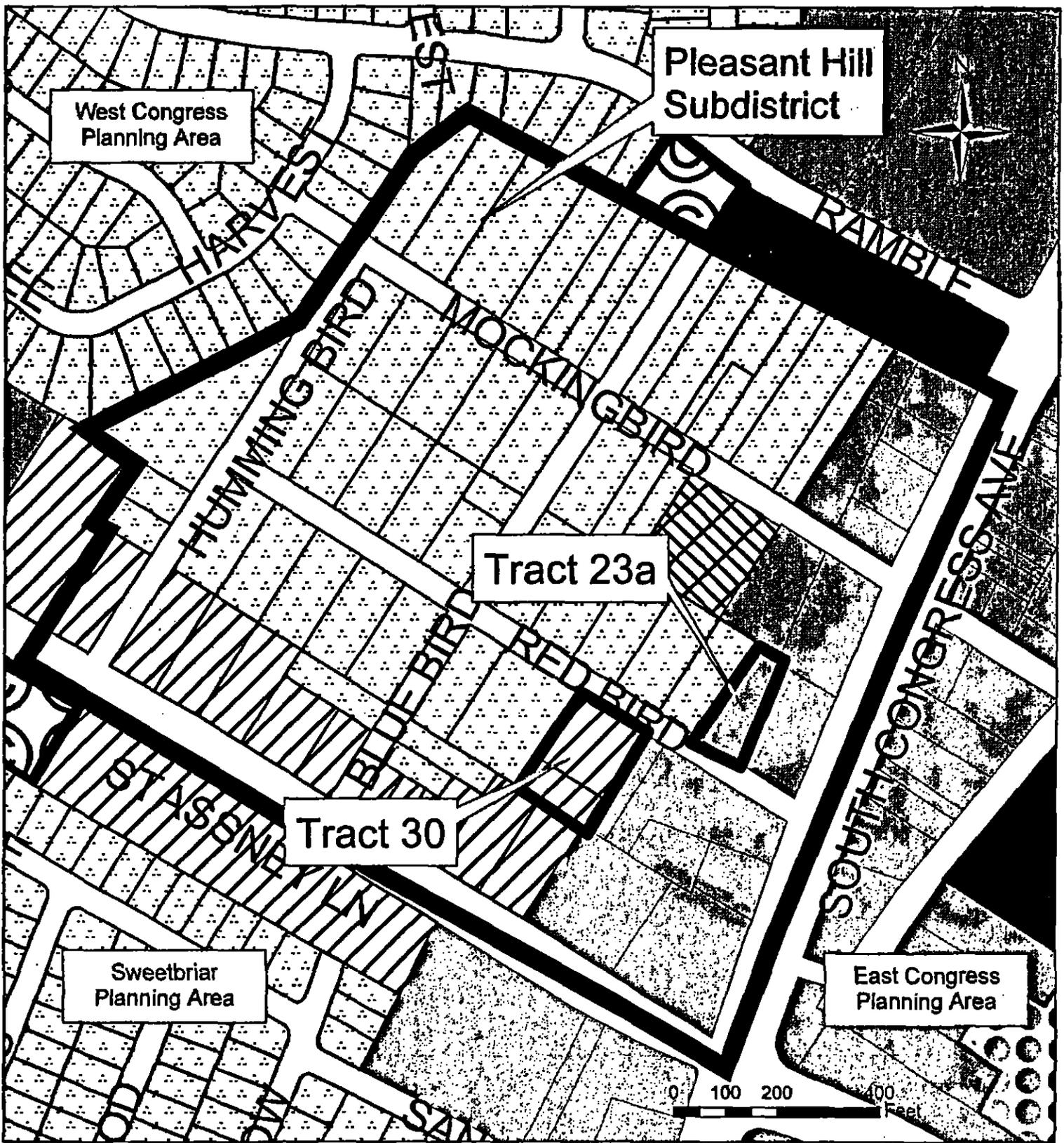
**West Congress Neighborhood Planning Area:
Proposed Tracts for Rezoning
Case #C14-05-0106**



Exhibit A



City of Austin
Neighborhood Planning and Zoning Department



Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Future Land Use Map
NP-05-0020 (PART)



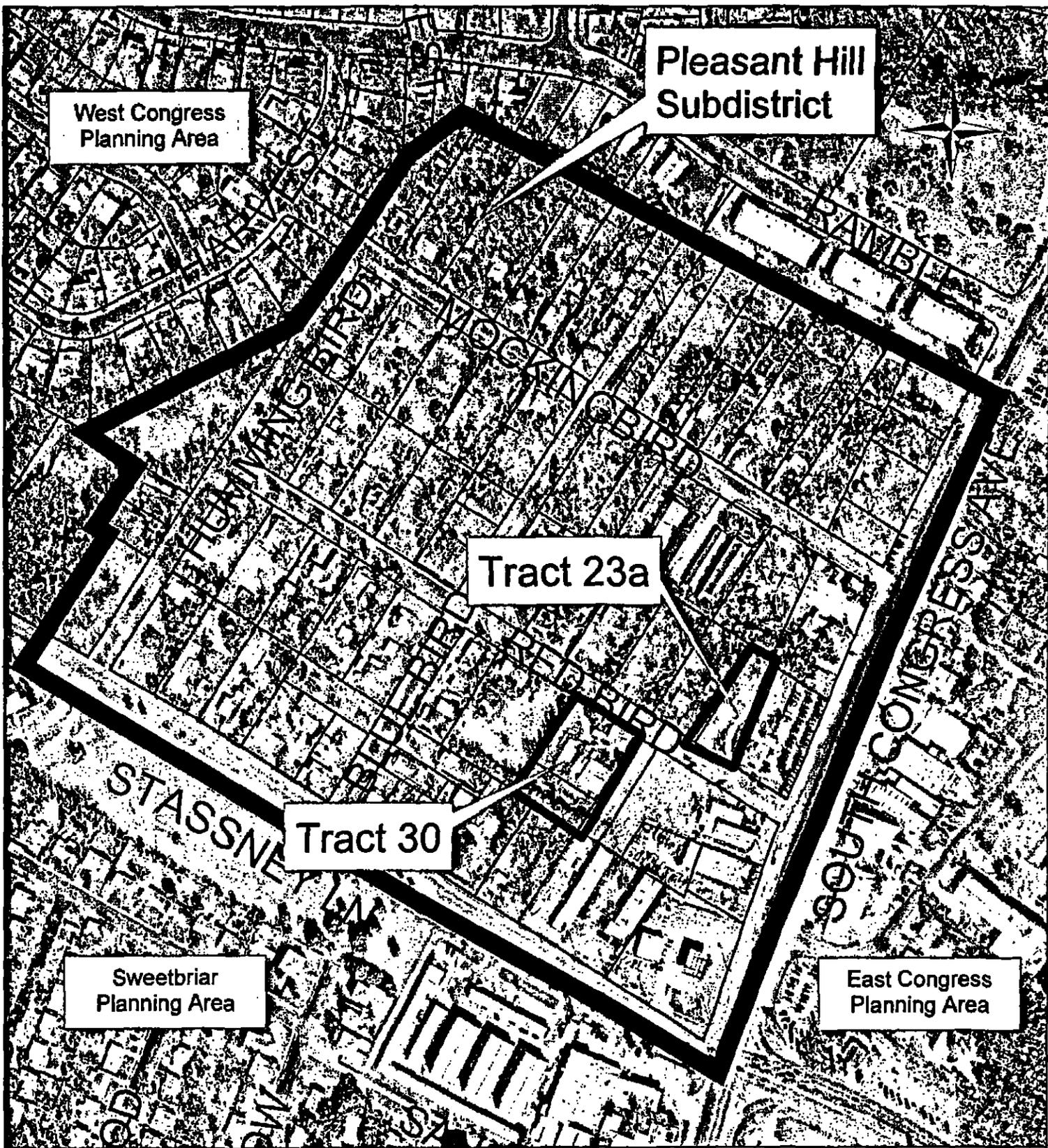
City of Austin
Neighborhood Planning and Zoning Department
November 3, 2005

A comprehensive plan does not constitute zoning.

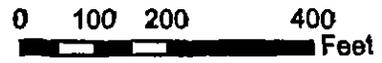
Exhibit A

Future Land Uses

- | | |
|----------------------------|------------------|
| Single-family | Office |
| High Density Single-family | Mixed Use/Office |
| Multi-family | Industry |
| Commercial | Civic |
| Mixed Use | Open Space |
| Pleasant Hill Subdistrict | |



Pleasant Hill Subdistrict of the
 West Congress Neighborhood Planning Area:
 Aerial 2003
 NP-05-0020 (PART)





| | | | |
|---|---|-------------------------|---|
|  1" = 1000' | SUBJECT TRACT  | ZONING EXHIBIT B | CITY GRID REFERENCE NUMBER G & H17-18 |
| | PENDING CASE  | | DATE: 05-07 |
| | ZONING BOUNDARY  | | INTLS: SM |
| | CASE MGR: W. WALSH | | |
| CASE #: C14-05-0106 ADDRESS: WEST CONGRESS NEIGHBORHOOD PLANING AREA SUBJECT AREA (acres): N/A | | | |



103 Red Bird Lane, Austin, Texas 78745-3122

December 7, 2005

City of Austin
Mr. Mark Walters
Neighborhood Planning & Zoning
One Texas Center, Suite 525

Mr. Mark Walters,

I would like you to include the conditions that I have supplied to staff as well as the council. I not sure why the information you are providing for the council meeting only includes "Neighborhood Conditions for Support of CS-MU-CO-NP" and not my concerns.

Items supplied to staff and Council:

1. Our conditional overlay for 103 Red Bird Lane supplied 10/25/05.
2. Our letter why we are requesting this overlay supplied 10/25/05.
3. I think it would be beneficial for the council to know that we have submitted affidavit from 22 residence of the City of Austin that this decision will directly affect.

My answer to the conditions provided to me today from the neighbor is as follows.

1. As stated in my conditional overlay we are willing to meet the 25' setback a 30' setback will not allow us to continue the business we have been performing for the past 30 years.
2. These limits will not allow our business to continue.
3. A solid fence in front of our location will not allow access for our services.
4. We currently do not park company trucks on the street and only park delivery truck as they are waiting unloading.
5. This can be done to some extent if the city of Austin approves our building plan.
6. We currently have forklifts on the street because we are awaiting this decision before moving forward with our building program.
7. This is a city of Austin issue that we will be more than happy to work within their guidelines. We disagree and can provide grades that will show this issue is no worse than before we leveled the side of the roadway.

General Contractors, Construction Management
Plumbing & Electrical Service
Parks & Playgrounds

512-440-0707

512-440-0736 Fax



103 Red Bird Lane, Austin, Texas 78745-3122

3. We are not willing to rollback any item that could cause the lowering of the value of this property.

I would like to add one more item for the council's consideration. We have been here doing the same type of work since 1969 and no one has questioned this. We have grown and changed part of the way we do business and I hope the City supports growth in small businesses. We have a plan to help many of the issues the neighborhood has but many of them require us to do most of our work off site and this is not economical.

Last there is no neighbor, that I have met, that has been here as long as we have. That means they all bought knowing what and how we do business. My closes neighbors have been less than 6 years and even at that not once have we ever had a written complaint to the City of Austin or any other entity. The main reason for this is we do our best to work with the neighborhood (will continue to do so) and everyone knows what we do.

Respectfully,

Thomas F. Harper
Owner
T. F. Harper & Associates

General Contractors, Construction Management
Plumbing & Electrical Service
Parks & Playgrounds

512-440-0707

512-440-0736 Fax

Proposed Conditional overlay for Tract 30 (PROPERTY OWNERS)

Rezone from SF-3 and SF-6 to CS-MU-CO-NP

Conditional Overlay limits uses to

A) All residential uses

B) The following commercial use:

Construction Sales and Services

C) All Limited Office (LO) uses:

Residential

Bed and Breakfast (Group 1)

Bed and Breakfast (Group 2)

Civic

Club or Lodge (c)

College and University Facilities (c)

Communication Service Facilities

Community Events (1)

Community Recreation—Private (c)

Community Recreation—Public

Congregate Living (c)

Convalescent Services

Counseling Services

Cultural Services

Day Care Services—Commercial

Day Care Services—General

Day Care Services—Limited

Family Home

Group Home Class I—General

Group Home Class I—Limited

Group Home Class II (c)

Hospital Services—Limited (c)

Local Utility Services

Private Primary Educational Services

Private Secondary Educational Services (c)

Public Primary Educational Services

Public Secondary Educational Services

Religious Assembly

Residential Treatment (c)

Safety Services

Commercial

Administrative and Business Offices

Art Gallery

Art Workshop

Communication Services

Medical Offices—not exceeding

5,000 sq/ft of gross floor space

Medical Offices—exceeding

5,000 sq/ft of gross floor space

Professional Offices

Software Development

Special Use—Historic (c)

Agricultural

Urban Farm

D) Prohibit drive-through as an accessory use

December 11, 2005

Reference: C 14-05-0106
Tract 30 Pleasant Hill Addition

Honorable Mayor Will Wynn and City of Austin Council Members,

I am a resident of 20 years at 309 Red Bird Lane. I request your support to follow the neighborhood recommendations for Tract 30: keep the current zoning of SF-3 and SF-6 or, as an alternate, LO-MU-CO-NP (with CO being a 30' vegetative buffer).

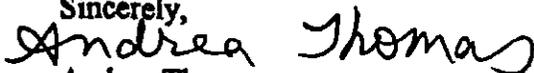
A commercial business is not compatible in a residential neighborhood. When Mr. Harper's father lived in a trailer at 103 Red Bird and operated his business, he kept the place tidy. Enclosed are aerial photos from 1969, 1976, 1984 and a current photo. 1969 shows one building and 1976 & 1984 show one building and a trailer on the property. The elder Mr. Harper did not have 30+ employees with lean-to sheds, dump trucks, fork lifts etc., as the current photo shows, or semi trucks unloading. Recently the situation has gotten intolerable since Tommy Harper had to quit getting his playscape materials delivered to job sites because of theft. Instead, these materials come to 103 Red Bird via semi trucks and are stacked by the street. Often the road is blocked and it is difficult to drive from Congress on Red Bird to my house. We are concerned about the noise, the safety issues (there are kids and deaf people on this street), the poor drainage and the unsightly mess. This business is a detriment to our neighborhood. I am certain that no council member would want to live near this business. Businesses often have to relocate as they grow and while it is inconvenient, in the long run they're usually happier with more space.

Another concern for zoning Mr. Harper's property commercial is that when he retires and decides to sell the property, who knows what kind of commercial business would locate there?

Our neighborhood is worth preserving. We accept that Congress and Stassney are becoming more commercial, but we don't want the commercial aspect encroaching into our neighborhood. We are a diverse group of home-owners with young singles, families with children, retired people, middle-aged, African Americans, Hispanics and Whites. There are new homes being built and older homes being renovated. My house is 88 years old and was moved from East Avenue when the upper level of I-35 was built.

Please keep commercial business out of our neighborhood and support the neighborhood recommendations.

Sincerely,



Andrea Thomas
309 Red Bird Lane
(512)445-5915



103 Red Bird

4-28-69

single building
single drive



circle drive
(ditch not filled in)
1 trailer
1 building

1976

1984

circle drive (drainage

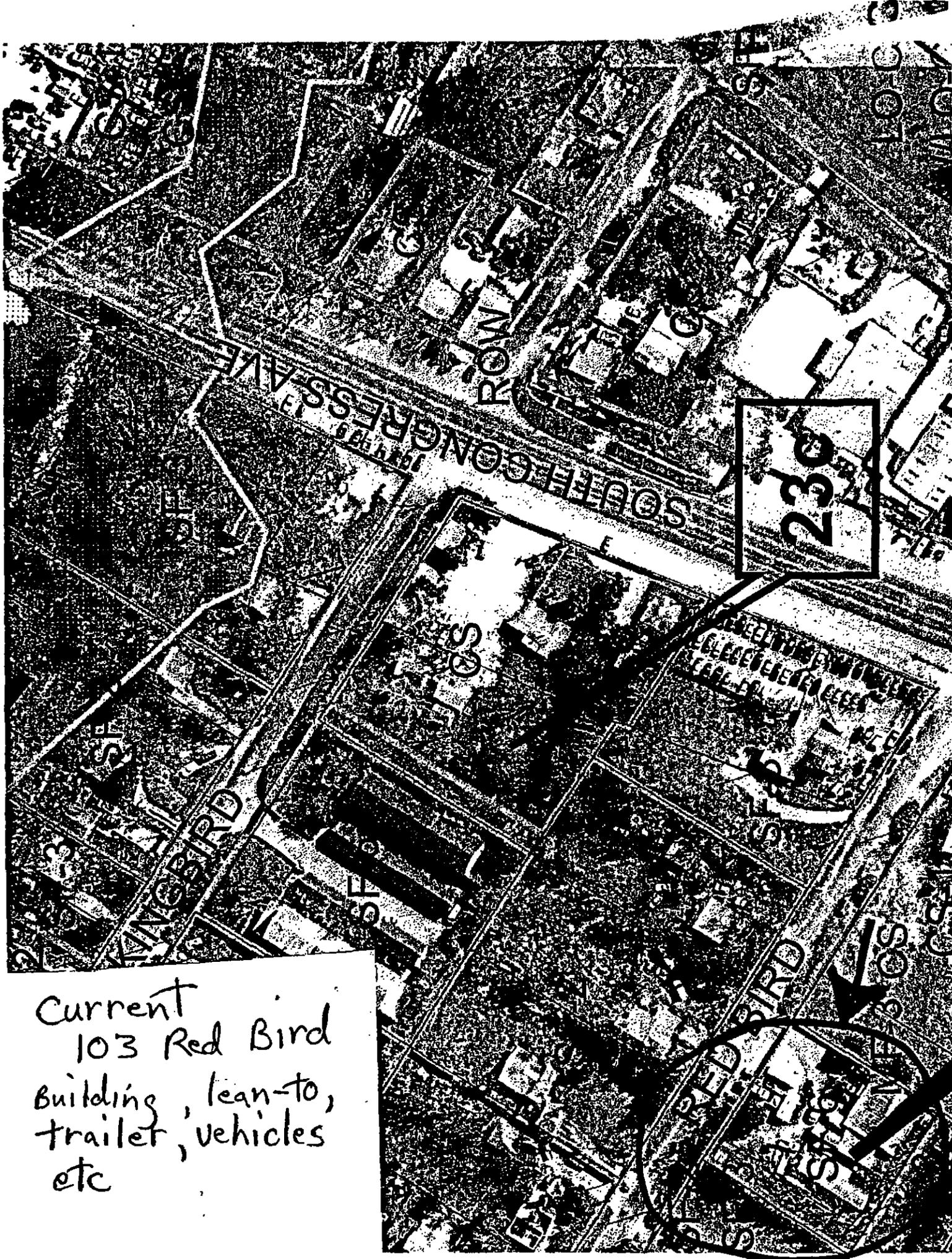
1 trailer

1 building

1984

ditch not filled in)





Current
103 Red Bird
Building, lean-to,
trailer, vehicles
etc

December 11, 2005

Reference: C 14-05-0106

If City Council does not follow the neighborhood recommendations and zones Tract 30 CS, these are the neighborhood's conditions:

30' vegetative buffer along western property line

A solid fence with solid gate across the front of the property

No delivery or company trucks parked on the street, even while waiting to unload

All loading and unloading of trucks must be onsite and screened from view

No forklifts on the street

Correct drainage problems and associated nearby flooding created when Mr. Harper backfilled the existing ditch and culverts adjacent to his property

Mr. Harper must agree to a voluntary zoning rollback to LO-MU-CO-NP (the CO would be a 30' vegetative buffer) and a land use designation of Office Mixed-use on the plan's future land use map (FLUM)

No future use of auto sales, auto washing or pawn shops and limit business traffic to exit right towards Congress and not through the neighborhood

December 11, 2005

Reference: C 14-05-0106

If City Council does not follow the neighborhood recommendations and zones Tract 30 CS, these are the neighborhood's conditions:

30' vegetative buffer along western property line

A solid fence with solid gate across the front of the property

No delivery or company trucks parked on the street, even while waiting to unload

All loading and unloading of trucks must be onsite and screened from view

No forklifts on the street

Correct drainage problems and associated nearby flooding created when Mr. Harper backfilled the existing ditch and culverts adjacent to his property

Mr. Harper must agree to a voluntary zoning rollback to LO-MU-CO-NP (the CO would be a 30' vegetative buffer) and a land use designation of Office Mixed-use on the plan's future land use map (FLUM)

No future use of auto sales, auto washing or pawn shops and limit business traffic to exit right towards Congress and not through the neighborhood

October 4, 2005

Reference: C 14-05-0106

Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GO recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,



Andrea Thomas
309 Red Bird Lane
days: 512-445-5915
cell: 512-925-5214
athomas57@austin.rr.com

October 3, 2005

Deral Hendrix
304 Red Bird Lane
Austin, Texas 78745
512.447.4289
deral@austin.rr.com

Re: C14-05-0106, Tract 30

Dear City Council:

I am one of 32 owner/occupants of property on the 'Bird' streets within the Pleasant Hill Subdistrict – West Congress Neighborhood Planning Area Rezoning. In this area there are also 5 lots, 2 unoccupied houses recently relinquished by elderly owner/occupants, 11 renters (7 of whom live in one condo unit), and then there is Tract 30, a business incompatible not only within this neighborhood but within any neighborhood. The obvious mathematical translation here is that 73% of our little enclave is owner/occupied. The business (Tract 30) comparison is somewhat less than 1%.

In the 8-30-05 neighborhood letter to you preceding the 9-1-05 council meeting, a description of the Tract 30 business from a neighborhood perspective was given. At that council meeting, the neighborhood recommended zoning of SF-3-NP was presented by city staff and noted that "staff does not object to the neighborhood's recommendations". Mr. Tommy Harper, owner-operator of Tract 30, appeared and spoke of a "grandfather clause" and the hardship and detrimental effect the SF-3-NP zoning would have on his business, should he have to move.

My understanding is that since that meeting the council-requested research by city staff reveals no "grandfather clause" for use of this lot, which means that Mr. Harper has not been compliant with zoning for over 20 years. He is now requesting that the council approve his request for zoning the property CS....., not the neighborhood-requested SF-3-NP nor the Planning Commission/city staff-requested LO-MU-CO-NP. I further understand that this CS..... zoning, which is totally incompatible within a residential neighborhood, "will not be objected to by staff". The only explanation I have garnered for this bizarre 180 degree sudden flip-flop by staff is that "Mr. Harper needs that zoning to be compliant", a truism of the first order.

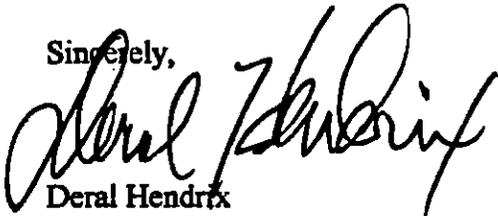
As for the detrimental effect spoken of by Mr. Harper, which he says means he will be forced out of business, thereby depriving 30+ people of their jobs and he and his family of its business income, this should be viewed with clear and open eyes. First of all, this business is on a lot less than twice the size of mine. Picture, if you will, seven or eight service trucks, two or three forklifts, three or four buildings, the usual multitude of stacks of construction and manufacturing materials, and the vehicles of that many employees all

on that size lot at least part of the day and the activity and neighborhood traffic resulting thereof. Add to that 18 wheelers making deliveries to Mr. Harper's property and maneuvering through the neighborhood and you have a fair picture of a neighborhood problem. Requiring that this business move to an appropriately -sized and -located property for its operation should not mean that it would "go out of business"; maintaining the status quo by legalizing something patently illegal will most certainly mean that our neighborhood will be put on the road to being "out of business".

I have lived in this neighborhood for 27 years. My three children grew up here and now two have bought houses here because of the improvements made within the neighborhood over the years. And I have my own 'grandfather clause'---my two-year-old grandson lives next door. There are other children of various ages in the neighborhood, as well as elderly and handicapped adults, young couples and college students. We in this neighborhood have always realized that we have to bend and remain flexible to absorb the increased development and population of Congress Ave. and Stassney Lane and the impact on us.

What we should not have to absorb is the geometric and monumental growth of Mr. Harper's business over these years. When I moved here and when we agonized over the rezoning that occurred during the early 1980s, Mr. Harper's business was a small electrical business with 2 trucks and 2 employees, no stack lot, no forklifts, and no 18 wheelers making deliveries. Thus, the neighborhood took a live and let live attitude. It is obvious that what we thought was a cute little bull snake has grown up into a rattlesnake that is bent on our destruction.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deral Hendrix". The signature is written in dark ink and is positioned above the printed name.

Deral Hendrix

October 6, 2005

H. B. Massingill
110 Red Bird Lane
Austin, TX 78745

Re: c14-05-0106, Tract 30

Dear City Council,

Since moving into my house at 110 Red Bird Lane in 1998, I've watched Harper Construction Company (across the street from me) grow from a small contracting business into a large ongoing concern, with activity on the premise impacting me (and my neighbors) at every step of it's growth. Some of the problems I've had to deal with are:

- Semi-trucks parking in front of my house with their motor running, filling my 600 square foot house with carbon monoxide. Some mornings I'll wake up anxious with my heart racing, only to find a truck has been idling in front of my house waiting for someone to come accept delivery.
- Trucks have run over my mailbox 20 times. As a result I've missed checks, bills and business.
- Forklifts have disconnected my phone line twice, again causing much inconvenience and lost income do to lost jobs/missed calls.
- Noisy and bothersome activity, very disruptive and very early in the day:
 - Dumpster being picked up at 5:30-6:00 AM.
 - 3-4 semi-trucks daily being idled and unloaded 30 – 40 feet from my door.
 - Semi-trucks blocked me in on numerous occasions. I've missed work and appointments due to this.
 - Bobcat and other equipment being loaded on and off of trailers.
 - Work crew and trucks hanging out in front of my house (including litter).
- Mr. Harper filled in the drainage ditch on the front of his property (with no culvert) in such a way that all the rainwater from his property flows though my lot (sometimes up against my house) at a depth of 18" up to 3 feet wide, a veritable river.
- High wattage security lights shine right into my house.
- Until recently the building material was in piles up to the front of the property.
- Work crews "cat-calling" my daughter and ogling my female friends.

- Pallets brought in from warehouses and industrial areas bringing with them rat nest, mice, possums, hornets.
- There is a dumpster with garbage & food in it, attracting animals.
- Piles of material and equipment have lured thieves onto the lot. I've scared off more than one trespasser.
- I have a 100 square foot organic garden on the back of my lot and I worry about the runoff from all the machines and chemicals stored, seeping into the ground.
- Earlier this week a surveyor was in my yard painting marks on my grass. When I asked him what he was doing, he said he was hired by Mr. Harper. No one ever asked if they could come on my property.
- I also wonder what impact all the semi-truck traffic is having on my street and the infrastructure underneath it.

The final thing I'd like to point out is many contractors competed for the playground contract with the city that Mr. Harper is now fulfilling. How would other contractors feel if they knew the winning bid went to some one in an illegal business space? People playing by the rules didn't get the contract.

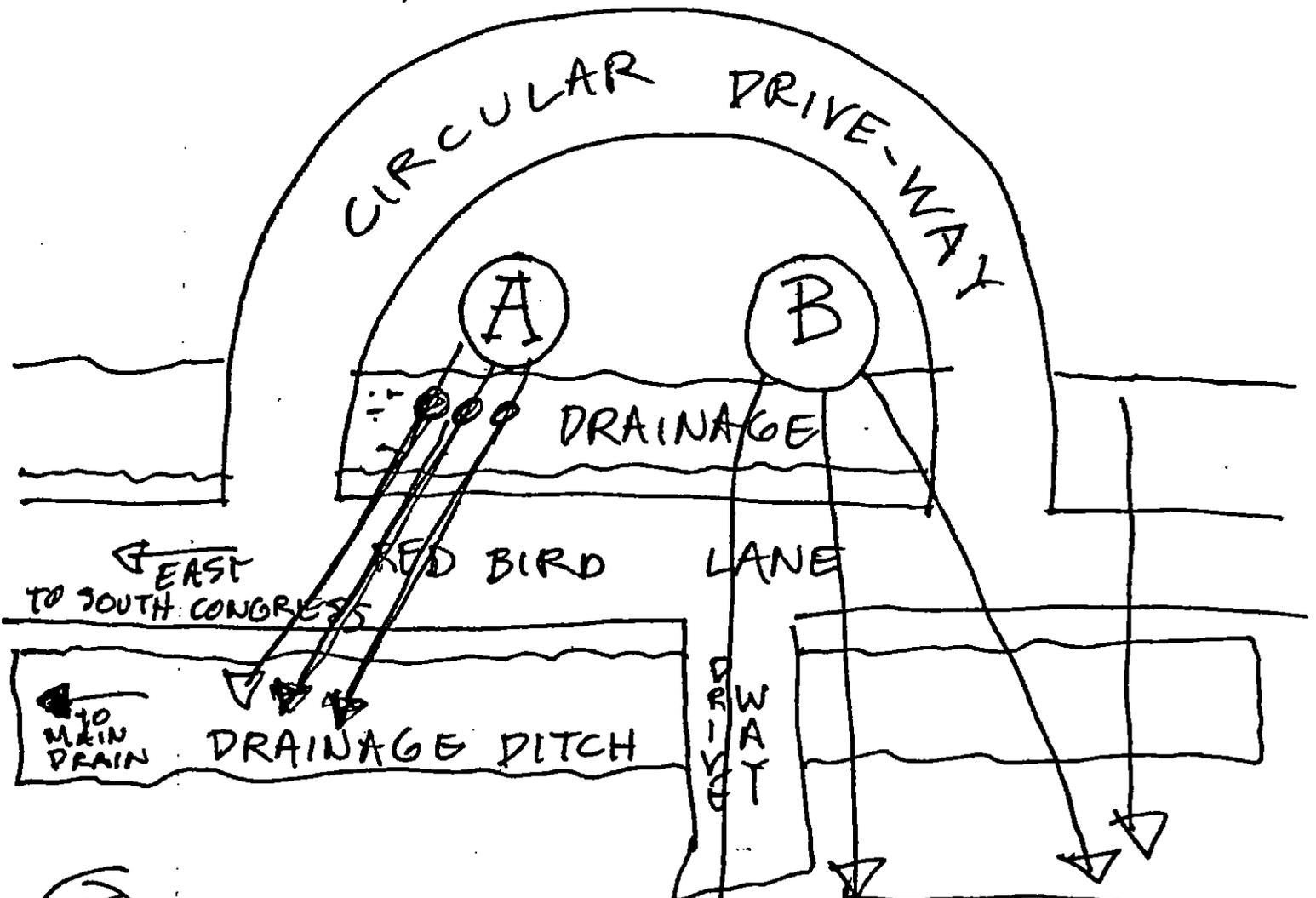
I urge you to zone Tract 30 LO-MU-CO-NP.

Sincerely,



Brad Massingill
110 Red Bird La.
462-9834

HARPER CONSTRUCTION
208 REDBIRD



- (A) OLD DRAINAGE TO CONGRESS DRAIN SYSTEM
- (B) NEW DRAINAGE MISSED DITCH GOES IN DRIVE AND YARD OF 110 RED BIRD LN.

October 4, 2005

Page 1 of 2

Reference: C 14-05-0106
Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GO recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,

1 REXFORD BURNS ~~Tract~~ 205 RED BIRD
2 Andrea Thomas Andrea Thomas 309 Red Bird
3 Opal Keeling Opal Keeling 5502 Hummingbird La
4 Felix Michael ~~Tract~~ ~~5502~~ 5507 Blue Bird Ln
209-206 8th St

Reference: C 14-05-0106
Reference: C 14-05-0106.02

- 1) SPEEDY N. PHILLIPS *[Signature]* 5500 BLUEBIRD LN.
- 2) Chuck GRIMES *[Signature]* 312 W Stassney LN
- 3) Luis PINHEIRO *[Signature]* 312 W. Stassney LN
- Adam Hudson *[Signature]* 312 W. Stassney Ln
- 4) EVAN A. HENDRIX *[Signature]* 306 RED BIRD LN
- 5) William R. Hendrix *[Signature]* 300 Red Bird Ln
- 6) H. B. MASSINGILL *[Signature]* 110 REDBIRD LN
- 7) DOUGLAS J. FIELDS *[Signature]* 310 RED BIRD LN
- 8) Rachael Turner *[Signature]* 314 Redbird Ln.
- 9) Ann E. Harris *[Signature]* 307 Redbird Ln
- 10) ALEJANDRO LOREDO *[Signature]* 204 Red Bird LN
- Liz Kempf *[Signature]* director of Day care ctr
200 W. Stassney
306 W. Stassney
- 11) Ernest LEONARD *[Signature]* Ernest Leonard
5501 Blue Bird Ln A
- 12) Robert L. Heise *[Signature]* Robert L Heise
- 13) Shirley Hitchcock *[Signature]* Shirley Hitchcock 313 Red Bird
- 14) DERRAL HENDRIX *[Signature]* Derral Hendrix 304 Red Bird Ln
- 15) Michelle C Waldron *[Signature]* Michelle C Waldron 5505 Hummingbird Lane
- RAYMOND CARLTON *[Signature]* Raymond Carlton 309B Red Bird Ln
(renter of 10 yrs)

(18 homeowners + 2 renters)

Reference: C 14-05-0106
Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

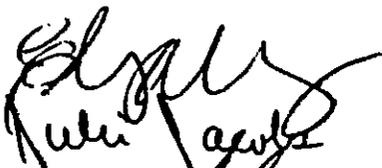
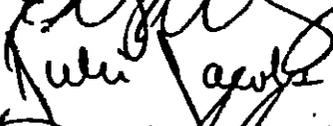
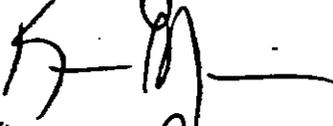
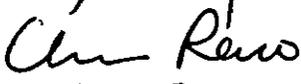
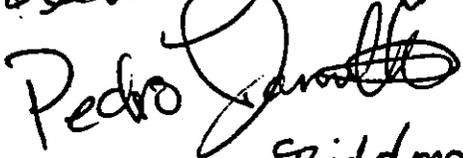
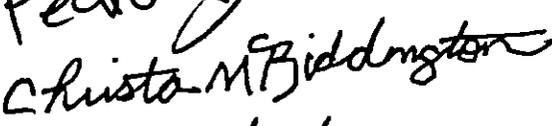
- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GO recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,

| | | |
|-----------------|----------------------|------------------------|
| Mary Rocamora | <i>Mary Rocamora</i> | 305 W. Mockingbird Ln |
| Aldo Guevara | <i>Aldo Guevara</i> | 311 W Mockensbird Ln |
| Jon M Donaldson | Jon M Donaldson | 305 W Mockingbird La |
| Robert H Gary | ROBIN H. GARY | 300 W. Mockingbird Ln |
| John Van Strien | John Van Strien | 207 W. Mockingbird Ln. |
| JOHN HAEST | <i>John Haest</i> | 110 W Mockingbird Ln. |

Reference: C 14-05-0106
Reference: C 14-05-0106.02

| | | |
|---|----------------------------------|------------------------|
|  | Elizabeth Wallerstein | 109 W. Mockingbird Ln. |
|  | Julie Jacobs | 312 W. Mockingbird Ln. |
|  | Dennis J. Jacobs | 312 W. Mockingbird Ln. |
|  | Audrey Powers | 106 W. Mockingbird Ln. |
|  | Kevin Mackie | 306 W. Mockingbird Ln. |
|  | Chris Reno | 128 W. Mockingbird Ln. |
|  | Katya Reno | 128 W. Mockingbird Ln. |
|  | Pedro Jaramillo | |
|  | Pedro Jaramillo | 301 W. Mockingbird Ln. |
|  | CHRISTA M. RIDDINGTON | 314 W. Mockingbird Ln. |
|  | Ian Riddington | 314 W. Mockingbird Ln. |

12 properties represented:
(11 homeowners + 1 renter)

12 properties, (2nd letter) represented
 18 properties, (1st letter) represented
 29 homeowners/ signed letters
 properties
 3 renters signed letters
 (plus additional spouses)

CONTACT: Rexford Burns 512.228.4040

PETITION

Date: 10-04-2005

File Number: C 14-05-0106

103 Red Bird Lane Austin, Texas 78745

Rezoning Request: LO-MU-CO-NP

To: Austin City Council

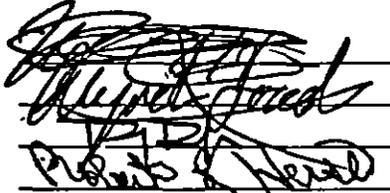
We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-MU-CO-NP

The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and has outgrown its location.

Signature

Printed Name

Address


~~Robert L. Heise~~
 Robert L. Heise
 Robert L. Heise

H.R. MASSINGILL III
Alexandro Loredo
Rexford Burns
Robert L. Heise

110 REDBIRD LN
204 RED BIRD LN
205 RED BIRD
5501 Blue Bird Ln A

Contact number : Rex Burns : cell 228-4040 wk 444-0716

PETITION

Case Number:

C14-05-0106

Date:

Oct. 5, 2005

Total Area within 200' of subject tract: (sq. ft.)

271,314.05

| | | | | |
|----|---------------------|---|------------------|---------------|
| 1 | <u>04-1508-0411</u> | <u>MASSINGILL BRADFORD III</u> | <u>17,411.27</u> | <u>6.42%</u> |
| 2 | <u>04-1508-0413</u> | <u>LOREDO ALEJANDRO & SERAFIN LOR</u> | <u>14,258.30</u> | <u>5.26%</u> |
| 3 | <u>04-1609-0302</u> | <u>BURNS REXFORD J JR</u> | <u>41,300.32</u> | <u>15.22%</u> |
| 4 | <u>04-1609-0301</u> | <u>HEISE ROBERT LEE</u> | <u>7,443.76</u> | <u>2.74%</u> |
| 5 | | | | <u>0.00%</u> |
| 6 | | | | <u>0.00%</u> |
| 7 | | | | <u>0.00%</u> |
| 8 | | | | <u>0.00%</u> |
| 9 | | | | <u>0.00%</u> |
| 10 | | | | <u>0.00%</u> |
| 11 | | | | <u>0.00%</u> |
| 12 | | | | <u>0.00%</u> |
| 13 | | | | <u>0.00%</u> |
| 14 | | | | <u>0.00%</u> |
| 15 | | | | <u>0.00%</u> |
| 16 | | | | <u>0.00%</u> |
| 17 | | | | <u>0.00%</u> |
| 18 | | | | <u>0.00%</u> |
| 19 | | | | <u>0.00%</u> |
| 20 | | | | <u>0.00%</u> |
| 21 | | | | <u>0.00%</u> |
| 22 | | | | <u>0.00%</u> |
| 23 | | | | <u>0.00%</u> |
| 24 | | | | <u>0.00%</u> |
| 25 | | | | <u>0.00%</u> |
| 26 | | | | <u>0.00%</u> |
| 27 | | | | <u>0.00%</u> |
| 28 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

80,413.66

Total %

29.64%

Welder, Kathleen

From: rex [rexford@jhaadvertising.com]
Sent: Wednesday, February 15, 2006 8:41 PM
To: Welder, Kathleen
Subject: C14-05-0106 and NP-05-0020 Postponement Request

>Dear Council Members,

>

>I am a representative of the Pleasant Hill neighborhood in the South
>Congress Combined Neighborhood Planning Area. We respectfully request
>a postponement of Cases C14-05-0106 and NP-05-0020 regarding the
>property at
>103 Red Bird Ln (Tract 30). This is our first request for this tract.

>

>Background:

>This Tuesday, February 14, 2006, we had a meeting with the property
>owner (Mr. Tommy Harper) and staff to discuss all of our concerns about
>the draft zoning ordinance and restrictive covenant, and about the case
>itself. At the end of the meeting, we came closer to reaching a
>compromise than we ever had before. We collectively decided to postpone
>the case on Thursday (Feb
>16) and staff was to redraft a restrictive covenant with conditions we
>all discussed. We were to meet again in a couple of weeks.
>Today, Wednesday, February 15th, we learned that the property owner has
>changed his mind and neither supports redrafting the restrictive covenant,
>nor recommends the postponement. Because this is so different than our
>understanding from Tuesday night, we would like a postponement.
>Moreover, we recently learned (and discussed at the meeting) a loophole
>regarding the zoning ordinance. The conditional overlay in the draft
>rezoning ordinance (an overlay that Council directed staff to write to
>address some of the neighborhood's concerns and make the site more
>compatible) may not take effect or be enforceable unless Mr. Harper
>files
a site plan. According to staff, a site plan triggers implementation of those conditions,
>and Mr. Harper most likely will not have to file one because of his
>grandfathering status.
>We discussed this with the property owner at our Tuesday meeting, and
>he was agreeable to putting those conditions in a restrictive covenant
>- since it is effective with or without a site plan. In fact, Mr.
>Harper stated that he sincerely wanted to make the property more
>compatible with the neighborhood and was already making plans to
>improve it at the time this zoning case came up as part of the
>Neighborhood Planning process. However, he has changed his position
>today, and we have not had the opportunity to talk with him further about it.

>

>

>Please consider our request as we already believed we were postponing
>the case with the support of the property owner and were pursuing a
>compromise supported by all.

>

>Sincerely,

>Rex Burns

>Resident of the Pleasant Hill Neighborhood
205 Red Bird Ln.

--

rexford burns
designer